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7 AFFINITY CREDIT UNION, et al.,  
8 Plaintiffs,  
9 v.  
10 APPLE INC.,  
11 Defendant.

Case No. [4:22-cv-04174-JSW](#) (KAW)

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13 **ORDER REGARDING 3/20/25 JOINT  
14 DISCOVERY LETTER**

15 Re: Dkt. No. 123

16 On March 20, 2025, the parties filed a joint discovery letter pertaining to the sufficiency of  
17 Defendant Apple, Inc.’s document production in connection with the pending motion for class  
18 certification. (Joint Letter, Dkt. No. 123.) On March 25, 2025, all discovery in this case was  
19 referred to the undersigned. (Dkt. No. 124.)

20 On November 29, 2023, the Court issued an initial scheduling order setting a deadline of  
21 June 20, 2024 for “substantial completion of production of documents and data.” (Dkt. No. 68 at  
22 1.) The deadline for Plaintiffs to file the class certification motion and supporting expert reports  
23 was set for September 6, 2024. *Id.* Thereafter, the parties stipulated to continue the substantial  
24 completion deadline to November 22, 2024 with the caveat that this deadline excluded “any  
documents or data subject to pending or forthcoming motions, and with rolling productions being  
made throughout the discovery period as materials are ready to be produced.” (Dkt. No. 81 at 1.)  
Plaintiffs’ deadline for filing the class certification motion was continued to February 7, 2025. *Id.*

25 **A. Class Certification Discovery and the “Substantial Completion Deadline”**

26 Now, Plaintiffs contend that Apple violated the November 22, 2024 substantial completion  
27 deadline by producing more than 37,000 documents on February 4, 2025—three days before  
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1 Plaintiffs' motion for class certification was due. (Joint Letter at 1, Ex. B.)<sup>1</sup> As a result, Plaintiffs  
2 contend that 43% of the documents produced were after the substantial completion deadline. (Joint  
3 Letter at 2.) Even now, Apple will not commit to another substantial production until mid-May  
4 2025. (Joint Letter at 1.) Plaintiffs further complain that Apple has repeatedly misrepresented the  
5 completeness and contents of its data productions, which has caused them to incur unnecessary  
6 expert expenses to identify the data that Apple has omitted and/or not yet produced. *Id.*

7 In opposition, Apple contends that the Third set of Requests for Production ("Third RFPs")  
8 were served after the parties negotiated the extension of the substantial completion deadline. (Joint  
9 Letter at 6.) Furthermore, Apple points out that the parties did not agree to the custodians and  
10 search terms until January 22, 2025, so it could not have complied with the November 22, 2024  
11 deadline. *Id.* Plaintiffs contend that this protracted negotiation was due to Apple's refusal to  
12 engage, and, instead, Apple "slow-walked negotiations for months" given that the Third RFPs  
13 were served more than three months before the November 22, 2024 deadline. *Id.* at 2. The Court  
14 finds that Apple's position that this set of discovery was excluded to be unavailing given that the  
15 initial case schedule tied the substantial competition deadline to the briefing schedule for the  
16 motion for class certification, and that schedule was set before initial disclosures were exchanged.  
17 (See Dkt. No. 68 at 1.) For Apple to now argue that certain class certification-related discovery is  
18 not subject to the substantial completion deadline and that producing in mid-May, before  
19 Plaintiffs' reply is due, satisfies its discovery obligations is unreasonable. (See Joint Letter at 6-7.)

20 Thus, the Court finds that Apple has violated the substantial completion deadline and  
21 orders Apple to make the intended mid-May production within 14 days of this order.

22 **B. Sanctions request**

23 While it appears that sanctions may be warranted, Plaintiffs have not provided a sufficient  
24 legal basis for their imposition nor have Plaintiffs substantiated the amount sought. Thus, the  
25 Court declines to award sanctions at this time.

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28 <sup>1</sup> Plaintiffs did not explain why they waited so long to raise their complaints regarding Apple's  
discovery conduct with the Court.

1 IT IS SO ORDERED.  
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3 Dated: April 1, 2025  
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KANDIS A. WESTMORE  
United States Magistrate Judge